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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 LARRY LLOYD,

7 Plaintiff,

8 v.

9 MIKE POWELL, ED KLAHN, AND  
C/O PROSE,

10 Defendants.

No. C09-5734 BHS/KLS

ORDER REGARDING DEFENDANTS'  
MOTIONS FOR SUMMARY JUDGMENT  
(DKTS. 27 AND 86)

11 On March 10, 2010, Defendants Mike Powell, Ed Klahn, and Lex Prose filed a Rule  
12 12(b)(6) motion to dismiss. Dkt. 27. Because Plaintiff opposed the motion with various  
13 supporting documents and exhibits (Dkts. 42 and 65), the court converted the motion to a Rule  
14 56 motion for summary judgment and re-noted it for consideration. Dkt. 68. On August 2,  
15 2010, Defendants Ed Klahn, Mike Powell, and Lex Prose filed a second motion for summary  
16 judgment. Dkt. 86. This motion is noted for August 27, 2010.

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18 Accordingly, it is **ORDERED** that the Court shall consider only the most recently filed  
19 summary judgment motion (Dkt. 86) and the Clerk shall **strike** the noting date of the converted  
20 motion (Dkt. 27) from the court's calendar. The Clerk of the Court is directed to send copies of  
21 this Order to counsel of record and to Plaintiff.

22  
23 DATED this 30th day of August, 2010.

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26 Karen L. Strombom  
United States Magistrate Judge